

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James E. Bates,

Plaintiff

v.

Las Vegas Metropolitan Police Department, et
al.,

Defendants

Case No.: 2:22-cv-00957-CDS-EJY

**Order Adopting the Magistrate Judge's
Report and Recommendation**

[ECF No. 61]

Plaintiff James Bates brings this action alleging civil rights violations against defendant Las Vegas Metropolitan Police Department and several officers. In August, Magistrate Judge Elayna J. Youchah issued an order that: (1) granted in part Bates' motion for leave to amend; (2) permitted Bates' second amended complaint, as pleaded, to proceed against defendants Perry, O'Halloran, Ivie, and Faller; (3) instructed Bates to re-name and file the second amendment complaint as the third amended complaint; and (4) directed counsel for defendants Perry and O'Halloran to confirm whether they would accept service for defendants Ivie and or Faller, as well as a scheduling order if they would accept service. Order, ECF No. 61 at 10-11. That order included a report and recommendation wherein Judge Youchah recommends that I deny Bates' motion for leave to amend (ECF No. 53) with respect to the claims asserted against Las Vegas Metropolitan Police Department as barred by NRS § 41.036(2). *Id.* at 11.

Bates had until September 3, 2024, to file any objections to the R&R. *Id.* at 11 (citing LR IB 3-2 (stating that parties wishing to object to an R&R must file objections within fourteen days). As of the date of this order, Bates has neither objected to the R&R nor requested more time to do so.

1 “[N]o review is required of a magistrate judge’s report and recommendation unless
2 objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas*
3 *v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). I
4 nonetheless considered Judge Youchah’s recommendation, her order, and the docket in this
5 matter when deciding whether to adopt her findings and recommendations here; and I do.

6 **Conclusion**

7 It is therefore ordered that the magistrate judge’s report and recommendation [ECF No.
8 **61**] is **accepted and adopted** in its entirety. Bates’ motion to amend his claims asserted against
9 the Las Vegas Metropolitan Police Department [ECF No. 53] is **denied**.

10 Dated: September 9, 2024

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13 Cristina D. Silva
14 United States District Judge
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